

1 DANIEL G. BOGDEN
United States Attorney
2 Nevada State Bar No. 2137
MICHAEL A. HUMPHREYS
3 Assistant United States Attorney
Lloyd D. George United States Courthouse
4 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
5 Telephone: (702) 388-6336
Facsimile: (702) 388-6787
6 Counsel for Plaintiff

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 * * *

10 UNITED STATES OF AMERICA,)
11)
Plaintiff,) 2:09-CV-2239-RLH (GWF)
12)
v.)
13)
\$10,935.71 IN UNITED STATES CURRENCY,)
14)
Defendant.)
15

16 **UNITED STATES' UNOPPOSED MOTION TO**
17 **CONTINUE THE DATE TO FILE ITS COMPLAINT FOR**
18 **FORFEITURE *IN REM* IN THE ABOVE-CAPTIONED MATTER**
(Eighth Request)

19 The United States of American ("United States"), by and through Daniel G. Bogden,
20 United States Attorney for the District of Nevada and Michael A. Humphreys, Assistant United
21 States Attorney, respectfully applies for an extension of time until and including February 6, 2012,
22 pursuant to 18 U.S.C., § 983(a)(3)(A), for the United States to file a civil Complaint for Forfeiture
23 *In Rem*, against \$10,935.71 in United States Currency.

24 The United States' Complaint is currently due on October 7, 2011. Claimant, Theo Spyer,
25 through his counsel, Lawrence J. Semenza, consents to this Motion. Theo Spyer and numerous of
26 his associates have been the focus of a historical state/federal criminal investigation into their

1 activities of alleged unlawful gaming activities in Nevada and elsewhere. Generally speaking, the
2 United States has developed information that Spyer and others were operating an illegal book-
3 making operation from approximately December, 2008 through to approximately April, 2009, all
4 in violation of 18 U.S.C. § 1084 and other federal anti-gambling statutes. A principal situs of that
5 illegal operation was in Las Vegas, Nevada.

6 Spyer is recently aware of that investigation, and, with his counsel, has been engaged in
7 plea negotiations with the United States in an endeavor to complete a universal disposition. Those
8 negotiations continue. In the meantime, the United States has a deadline, under the strictures of 18
9 U.S.C. § 983(a)(3)(A), to file its forfeiture Complaint, regarding the above-captioned allotments of
10 currency, no later than October 7, 2011.

11 The afore-referenced plea negotiations will not be complete by the time the United States
12 is required to file its Complaint.

13 The United States, herewith, petitions the Court to extend the time for the United States to
14 file its civil Complaint in the above-captioned matter, to facilitate a possible, if not likely,
15 universal plea disposition.

16 Under 18 U.S.C. § 983(a)(3)(A):

17 [T]he Government shall file a complaint for forfeiture in the manner set forth in the
18 Supplemental Rules for Certain Admiralty and Maritime Claims ..., a court in the
19 district in which a complaint will be filed may extend the period for filing a
complaint for good cause shown or *upon agreement of the parties*. (Emphasis
added)

20 A district court has the authority under § 983(a)(3)(A) to extend the period for filing a
21 Civil Complaint for Forfeiture *In Rem*.

22 On October 4, 2011, Spyer's counsel, Lawrence Semenza, agreed to the extension of time
23 and authorized counsel for the United States to file this unopposed motion with this Court.
24 Because the parties have agreed that the United States should be allowed an extension of time to
25 file its *In Rem* Complaint, the United States respectfully asks this Court to grant its motion.

26 ...

1 This motion is not submitted solely for the purpose of delay or for any other improper
2 purpose.

3 WHEREFORE, pursuant to 18 U.S.C. § 983(a)(3)(A), the United States moves this Court
4 to grant its motion to extend the time for the United States to file its civil complaint in the above-
5 captioned matter for an additional 120 days, or until February 6, 2012.


6 DATED this 5th day of October, 2011.

7 Respectfully submitted,

8 DANIEL G. BOGDEN
9 United States Attorney

10 /s/ Michael A. Humphreys
11 MICHAEL A. HUMPHREYS
12 Assistant United States Attorney
13
14
15

16 IT IS SO ORDERED:

17 
18 UNITED STATES DISTRICT JUDGE
19
20 DATED: October 13, 2011
21
22
23
24
25
26

PROOF OF SERVICE

I, Dana A. Chrystall, certify that the following individual was served with a copy of the UNITED STATES' UNOPPOSED MOTION TO CONTINUE THE DATE TO FILE ITS COMPLAINT FOR FORFEITURE *IN REM* IN THE ABOVE-CAPTIONED MATTER (Eighth Request) on October 5, 2011, by the below identified method of service:

U.S. Mail

Lawrence J. Semenza
3025 E. Post Street
Las Vegas, NV 89120

/s/Dana A. Chrystall
Dana A. Chrystall
Forfeiture Support Associate Paralegal III